

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JAMES MICHAEL PAPAZIAN,

Plaintiff,

v.

J. DOERER,

Defendant.

Case No.: 1:24-cv-01182 JLT HBK

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE

(Doc. 26)

James Michael Papazian seeks to hold the defendants liable for violations of his civil rights while incarcerated at United States Penitentiary- Atwater, stating claims related to a lockdown that occurred at the facility in the fall of 2024.¹ The assigned magistrate judge found Plaintiff failed to obey the Court's order and failed to prosecute the action. (Doc. 26 at 1-3.) The magistrate judge found dismissal of the action without prejudice was appropriate, after considering the factors identified by the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). (*Id.* at 4-5.)

The Court served these Findings and Recommendations on Plaintiff and notified him at that any objections were due within 14 days. (Doc. 26 at 5.) The Court advised him that the "[f]ailure to file any objections within the specified time may result in the waiver of his rights on

¹ On October 3, 2024, the Court severed Plaintiff's claims from *Benanti v. Doerer*, Case No. 1:24-cv-01108-CDB (PC). (Doc. 2.)

1 appeal.” (*Id.* at 6, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff
2 did not file objections, and the time to do so expired.

3 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
4 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
5 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations issued on July 25, 2025 (Doc. 26) are
7 **ADOPTED** in full.
- 8 2. This action is **DISMISSED** without prejudice for Plaintiff’s failure to obey the
9 Court’s orders and failure to prosecute.
- 10 3. The Clerk of Court is directed to close this case.

11 IT IS SO ORDERED.

12
13 Dated: **August 16, 2025**


UNITED STATES DISTRICT JUDGE